

**CITY OF WIXOM
49045 PONTIAC TRAIL
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, JULY 28, 2020**

Mayor Beagle called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Present:

Mayor: P. Beagle
Deputy Mayor: T. Rzeznik
Councilmembers: P. Behrmann
K. Gottschall
T. Gronlund-Fox
P. Sharpe
R. Smiley

AGENDA CHANGES:

Councilmember Gottschall requested that Correspondence #2, Contract Status with HRC, be moved to New Business #3.

MINUTES:

CM-07-97-20: Moved and seconded by Councilmember Smiley and Deputy Mayor Rzeznik to approve the Regular City Council meeting minutes of July 14, 2020.

**Roll Call Vote: (7) AYES – Beagle, Behrmann, Gottschall, Gronlund-Fox,
Rzeznik, Sharpe, Smiley
(0) NAYS**

Motion Carried

CORRESPONDENCE:

1.) Update/FYI on Various COVID-Related Funding Requests/Applications

CALL TO THE PUBLIC:

Mayor Beagle stated that the City was utilizing the video and audio of Zoom. Once connected to the meeting, members of the public wishing to participate in the virtual public comment must alert us that they wish to speak by pressing *9 on their telephone keypad. Pressing *9 will activate the “raise hand” feature signaling to us that you wish to comment. Participants will be called one at a time, as would happen during an in-person meeting. When you are unmuted, please introduce yourself by stating your name and address for the record. You will then have (5) minutes to share your comments with the City Council. At the conclusion of your comments or your (5) minutes, you will be muted and removed from the public comment queue.

There were no public comments at this time.

CITY MANAGER’S REPORTS:

1.) Departmental Report - June 2020

Deputy Mayor Rzeznik noticed that in the June Water Report, the Fats, Oils and Greases dates for the notices were for February. He asked if businesses had been

approached again. Mr. Sikma said that he didn't think they had been resampled. They sent out letters because of COVID and he hoped there would be an update at the next meeting.

CONSENT AGENDA:

CM-07-98-20: Motion and seconded made by Councilmembers Gronlund-Fox and Sharpe to approve the Consent Agenda as presented which included:

- 1.) Approval to receive and file:
 - a.) Zoning Board of Appeals Minutes of April 15, 2019
- 2.) Recommendation to Accept a Permanent Sidewalk Easement Along North Wixom Road Granted by Greenway Investors LLC Located at 216 North Wixom Road at a Cost of One Dollar (\$1.00)
- 3.) Recommendation to Accept an Industrial/Commercial Property Detention/Retention System Maintenance Agreement from Matrix Property Holdings, Located at 31111 Old Wixom Road, and Authorize the Mayor to Sign the Agreement

Roll Call Vote: (7) AYES – Beagle, Behrmann, Gottschall, Gronlund-Fox, Rzeznik, Sharpe, Smiley

(0) NAYS

Motion Carried

UNFINISHED BUSINESS: (None)

NEW BUSINESS:

- 1.) **Recommendation to Adopt a Resolution Authorizing the Placement of a Ballot Proposal on the November 3, 2020 General Election Ballot to Consider Authorization of the Renewal of an Additional Operating Millage of Up to 3.5 Mills (Equal to \$3.50 per \$1,000 of Taxable Value) for an Additional Four (4) Years, Commencing July 1, 2021, and Effective Through and Including July 1, 2024, to Provide Funds for Municipal Operating Purposes Including Police and Fire, Public Works and Parks & Recreation**

CM-07-99-20: Motion and seconded made by Councilmember Smiley and Deputy Mayor Rzeznik to adopt a Resolution authorizing the placement of a Ballot Proposal on the November 3, 2020 General Election Ballot to consider authorization of the renewal of an additional operating millage of up to 3.5 mills (equal to \$3.50 per \$1,000 of Taxable Value) for an additional four (4) years, commencing July 1, 2021, and effective through and including July 1, 2024, to provide funds for municipal operating purposes including police and fire, public works and parks & recreation.

Mr. Brown explained that there has been an additional operating millage since 2013. The first approval was in November 2012, which was for a fix 3.5 mills. In November 2016, it was changed from a fixed 3.5 to "up to" 3.5 mills and expires at the end of the current fiscal year. If we are going to continue with that millage, we would need to put a question on the ballot for the November 2020 election. This would provide that the greatest number of voters have the opportunity to weigh in

on this question. The request was for the adoption of a resolution that would place a ballot question on the November 2020 ballot. When he initially provided the documentation for this, there was concern about whether we should call it a renewal or not and whether that would lengthen the time required to get approval from the State. He decided to proceed with the language as it was, though his preference was to do it as a renewal. This would be a four-year millage for "up to" 3.5 mills. He said that people at the State level did review it and they indicated that we could either go with the renewal language or the original language as proposed. He provided a revised resolution to the Council. There were changes made to the header of the resolution, the question that would go to the voters and a minor correction to paragraph #3 underneath the ballot proposal language. The additional operating millage aspect was to fund all municipal operating purposes, which includes police and fire, public works and parks & recreation. This would supplement the Charter limit that we are under currently. Lastly, he said that the total of our millage for the current fiscal year, which reflects only 3.0 of the 3.5 mills that was levied has been the case for two consecutive years where we have not leveled the maximum which is allowed under the prior proposal that was approved by voters in 2016. Wixom was among the ten lowest millage rates in the County for cities and with our current level of 3.0, we are actually the eighth lowest millage collection among cities in Oakland County.

Councilmember Gottschall stated that we have been operating at the 3.0 level last fiscal year and the one we just began. This was going on years eight through twelve of the special additional millage. To him, it didn't seem that we were making progress by going back to the ballot asking for the same amount as the last two times. In reality we have been at 3.0 mills instead of 3.5 mills. He thought the ballot language should reflect that and he thought we should be at a cap of "up to" 3 mills, not 3.5. Looking at the chart that was included in the packet, at the 3-mill level, after all four years, there was still a surplus of funds of just below \$200,000. If we know we can get by at 3 mills and still have a six-figure surplus, he didn't know why we were trying to go above that. He understood we were having some State Shared Revenue cuts, but we have residents that had a lot of income cut. He didn't think it was best to renew the same amount when we don't truly need it as we have displayed by getting the rate down in practice the last few fiscal years. Even with this year, we are operating with cut State Shared Revenue and we still elected to go with 3.0 mills. No one can project in the future how low that continues to go, but we are not losing hotel money or sales tax money as a City. We are losing State Shared Revenue. He understood we were trying to plan for the future and a cushion was nice, but we even have a cushion at 3 mills. He didn't like asking for the same amount of money as the last two times. How it originally came about was that the residents voted in 2012 against a permanent solution and then the Council had to sell the 3.5 mills as temporary. Now we are going for the third term of four years. He didn't think that was very temporary. He wanted to offer an amendment to the language that was provided to the Council.

CM-07-99-20: AMENDED Motion and seconded made by Councilmembers Gottschall and Behrmann to adopt a Resolution authorizing the placement of a Ballot Proposal on the November 3, 2020 General Election Ballot to consider authorization of the renewal of an additional operating millage of up to 3.0 mills (equal to \$3.00 per \$1,000 of Taxable Value) for an additional four (4) years,

commencing July 1, 2021, and effective through and including July 1, 2024, to provide funds for municipal operating purposes including police and fire, public works and parks & recreation

Mr. Brown apologized for any confusion with the table he provided to the Council. The \$200,000 figure was for the current fiscal year of 2020-2021. The actual amount that we would be looking at for a surplus or shortfall starts to fall into the negative with the given conservative projections. Councilmember Gottschall said that was not what he meant. He understood that was the number, but if you add 2020, 2021 and 2022 and the following year, and then backout the deficits the next two years, there was still a \$200,000 surplus over the life of the ballot proposal. Mr. Brown said that in 2023-2024 and 2024-2025 we would slip into the negative side of things on an annual basis. That was flat now because we don't know what is going to happen in terms of a rebound of what is likely to be a decreased funding sources from State Shared Revenue. The projections are admittedly imprecise and on the conservative side.

Councilmember Behrmann remembered in 2012 right after he moved into the community was when the first proposal for the permanent solution was voted down. Soon after was the first time he voted in Wixom and that was for the temporary proposal. It was marketed pretty heavily at the time that this was a temporary solution due to us coming out of the economic downturn. If we need a permanent solution, we have talked about it several times. He thought the permanent solution needed to be done long term. We can do this over a longer period of time than four years, or we need to do it through a Charter amendment. For us to keep coming back every four years wasn't really selling the temporary solution over and over again. He thought if we told the community in 2012 that this was for a temporary fix, we should at least be making steps at reducing the reliance upon that. He thought we had made some steps by changing from 3.5 to "up to" 3.5. He wasn't sure that going down to 3 mills was the magic number. Maybe that needs to be studied a little better by Ms. Stamper. He felt we were on a time crunch right now. This was something we could have been dealing with months ago to get the language and dollar amounts right. It could have been on the Primary ballot next week. He wasn't comfortable with the Council deciding this was a permanent solution because that was not what the community wanted in the beginning. We need to be making steps to either wind what we are levying on everyone down and/or taking the steps to make it permanent.

Deputy Mayor Rzeznik commented that to set the record straight, the permanent solution in terms of a Charter cap amendment was not sought after. We have talked about it for quite some time and there are a number of outdated elements of the City Charter. He asked Ms. Stamper when the last time was that the Charter cap was actually raised and she replied that the Charter cap has never been raised. The 8 mills was the original Charter and that was also reduced to 7.5 due to the Headlee Rollback. We can't even levy the full 8 mills that is in the current Charter. Deputy Mayor Rzeznik said that the Charter was drafted in 1988 and if it has not been changed since then, that cap is very, very outdated. A Charter cap is required. In lieu of a Charter cap, this was our only resolution. We can go to the voters with Charter amendments and put that cap to the 21st century reality. Maybe 14 is the new reality, he didn't know. There are several areas of the Charter that need to be

amended. He wondered if we did that all at once or piecemeal. He thought the temporary solution was required in lieu of the Charter cap amendment. He said he was very much in favor of renewing it.

Councilmember Gronlund-Fox asked what moving this out longer than 4 years would look like. Mr. Brown answered that we could change the number of years that was reflected in the language to extend it or shorten it. He would have to check to see if there was any kind of a limitation on the duration of it. In regards to the comment about a permanent change, he thought it was becoming permanent, but it was not a permanent change. It is capped at four years. It does not make it "permanent." Councilmember Gronlund-Fox asked Mr. Brown to talk about how we would handle a shortfall in the budget in the years 2023-2024 or 2024-2025. She wondered what we would do when the expenditures are going to be more than the revenue coming in. Mr. Brown said we would have one of two options. If we have existing fund balances that could make up the deficit, we would have that option until those fund balances are exhausted. Those would be the General Fund Balance and/or the Budget Stabilization Fund, depending on if there were any funds available there. If there was no money available in those additional funding sources, then we would be faced with cutting costs in such a way to balance the budget. You cannot have a deficit budget. We may have to cut services or personnel in order to present a balanced budget to the Council. Councilmember Gronlund-Fox asked if changing the language to "up to 3.0 mills" instead of "up to 3.5 mills" would be sufficient for the next few years. Mr. Brown replied that the projection at 3 mills of the first two years of the hypothetical additional millage, we would have a slight surplus in the second year. The third and fourth year would be a negative number. Again, if we have additional funds available to us, we would balance those in a short-term basis, hoping for a positive change in the financial environment.

Councilmember Sharpe said he supported the amendment of up to 3 mills. He thought we needed to ask for the money, but he didn't think we needed 3.5 mills. We are coming out of COVID and we are going to have uncertainty no matter what number we go with. It does feel right to give more money back to our constituents than to be asking for more, even if we don't need it. It didn't feel right to him when we have been budgeted at 3 mills. The budget process was easier than he expected it to be. The difficult decisions weren't there. The money was the worse-case projections. We had more than we needed and he couldn't see us asking for more. If we need more, we can ask later. Even at 3.5 mills, we still have a deficit in 2024-2025. We can't use the deficit and we can't project out that far anyway. He thought if that was what we have been budgeting for and that was the amount we have said we needed, that was what we should ask for – 3 mills, not 3.5 mills.

Councilmember Smiley commented that projections were tough. We had quite a spirited debate about the amount of the millage four years ago. It was a healthy and necessary process. After it was voted down, we compromised and added "up to" to the language. It turned out to be the best course of action, having the ability to lower it two out of the four years. He thought Wixom won by having that process and that language tweaked. This allows the flexibility to come in lower if possible and he thought it was important that we renew the millage and that we have that flexibility going forward. He said he supported the up to 3.5 mills language.

Mr. Brown clarified that the language in the first page of the Resolution, number one, does state that at least a three-fifths vote of its members elected to Council was needed to pass. If we had a four to three vote against the amendment, we would then have to have five people voting for it. If the amendment was to fail four to three and those positions remained unchanged and the original motion was passed four to three, we wouldn't have the three-fifths vote necessary to put that on the ballot.

Councilmember Behrmann indicated that he was 102% in support of us moving forward with the proposal on the ballot. He would like to see us making steps to decrease that dollar amount even if it was not 3 mills. He would like something to show our residents that we are taking this seriously and we are continuing down the path of trying to not rely upon this as much.

Councilmember Smiley said that we are relying on it. This is an important millage. We established that our base of 8 mills was decades old and we aren't even getting that full amount. This millage has to happen or things change dramatically in the City. He knew we were discussing the amount but he wanted to make it clear that this does have to happen. We are just finetuning the amount it has to be.

Deputy Mayor Rzeznik added that our hands are tied because of our Charter cap and the extremely outdated number that is in there. The temporary measure that was taken in 2012 was in lieu of a full Charter amendment, which has to go in front of the voters. It was very complex at the time because there were many items. It was temporary in the way that we vote on it every three to four years, but it is necessary to get back into the 21st century. Take a look at salaries from 1988 up through today and how they have changed. It is necessary. We can further tie our hands by making it lower or have the flexibility to go up to the 3.5 mills. If we are good stewards of the people's money, we will make it lower if not needed. Again, he said he was very much in favor of the up to 3.5 mills.

Councilmember Gronlund-Fox asked what one mill equaled. Ms. Stamper replied that it was approximately \$670,000.

Councilmember Gottschall thought we were starting to get back into the territory where we did years ago where things were coming off as people are against the millage or trying to say we don't rely on it as part of the discussion. That was not true. Everyone on this Council recognizes that we need these funds and we couldn't survive off 8 mills. That was not what was at dispute here. It was a discussion about the number and showing progress to the residents - the temporary versus permanent - since there has been some push back. When you do something enough, it becomes routine. That was what this was at this point. What was once temporary, or sold as temporary, we are asking to extend through year twelve. That is permanent and more than temporary. It was no longer a habit at this point. As he mentioned last time, he was not disagreeing even with a Charter cap amendment at some point. It wasn't that complicated when it came up in August 2012. The Council at that time wasn't asking for a bunch of amendments. It was just a tax cap amendment. There wasn't a lot that went into it. It was a yes or no vote by voters in August 2012 - do you want the Charter cap to go up or stay the

same and they voted no. He believed it was over 4 mills that was asked. Our taxable value that we collect on residential properties against what we should be collecting SEV-wise on residential properties is 77% on average on what we should be getting. This means that if Proposal A and all the things done in the past at the State level that are killing cities today didn't exist, our evenness would be 10.39. It would be an additional 2.39 mills to make us whole essentially based on the real property that we have in the City now. Going for 3.5 mills was well-above. We have talked about how Headlee and Proposal A kill us and we have to deal with them. Even if those didn't exist, we are still living outside of the value we have in our City right now. We have proven that we can do 3 mills. There is still a surplus even though there are two years of deficit under the 3 mills in the table. If we want to put \$200,000 aside into budget stabilization, then we more than cover ourselves for years three and four of the ballot proposal. We won't have to dip in any more beyond that amount based on the projections we have. He thought the projections we have are probably worse than reality will be in a few years. We have to have a five-person vote, but at least on the amendment, he hoped he would have a few people joining him to vote to show residents that we are taking it seriously and that we are trying to get the amount down. A few meetings ago, he had mentioned increasing the local road millage because we had wastewater debt that would fall away that was a little over one mill. There are things where we can be bringing in revenue to the City for earmarked projects. Right now, this puts it in the general fund. If we want to talk about improving infrastructure and fixing the roads, then we can do it that way and earmark it with local road millage. He wanted to signal to voters that we will take this seriously. We have been able to do this at 3 mills and we will continue to do it at 3 mills or less in the future.

Councilmember Smiley said he didn't quite understand the statement that we are showing the residents progress and showing them that we are taking them seriously. He thought we were taking this very seriously. We have demonstrated that by the last two years only going up to 3 mills.

Councilmember Gottschall stated that it was not a personal statement directed toward anyone. He wasn't saying that people weren't taking this seriously. To him, it was the same as changing the ballot language to put renewal on there. It was a sales job at the end of the day. You put renewal on the ballot language and it makes it easier in theory to pass than just wording it like we have never done this before. It was the same as coming down to 3 mills with different ballot languages, which was the same as putting renewal on the ballot language at 3.5 mills. You are signaling to people that it is happening again but at a lower amount. This was not a statement toward anyone's seriousness on the matter.

Mayor Beagle said he was originally going to say up to 3 mills, but after looking at the uncertainty we have facing us next year with the COVID issue and staffing issues at the Fire Station, he thought we needed to go with the renewal of 3.5 mills. We can show the residents of Wixom how serious we are in April when we do the budget. We can sharpen our pencils and show them that we don't need up to 3.5 mills. We may not even need the whole 3 mills. He thought we would need that cushion for the next couple of years. He indicated that he would support a renewal up to 3.5 mills.

Councilmember Gronlund-Fox knew that we were looking at projections for State Shared Revenue and the constitutional portion. She asked if we had any newer numbers on those estimates. Ms. Stamper replied that there have not been new numbers that have come out since what we used for the budget projections. She believed that the State would be holding another revenue meeting soon to provide updates. The numbers that were used for the chart include bumping those numbers for State Shared Revenue back up in those future years. The only year we showed a decrease was this coming year and a partial decrease the fiscal year we just finished. Once we get out of this current fiscal year, the numbers will resume a normal picture. If that does show any form of a decrease going forward, the picture would look worse than the numbers in the chart. She thought it was a good comment regarding the Fire Department. We were looking at increases of a couple hundred thousand dollars if there were any changes that were to take place, and those numbers are not included in this chart either. If there were any decisions to move forward with that, it would be added to those numbers and become more money utilized out of that millage.

Councilmember Gronlund-Fox asked if she was talking about staffing when she referred to the numbers at the Fire Department. Ms. Stamper replied yes, if there are changes with staffing. None of that was considered in these numbers that were provided in the chart.

Councilmember Behrmann thought that during the budget sessions it was presented that we had a couple hundred thousand dollars left in the budget that would cover the Fire staffing if we wanted to go that way. If there was a surplus in the budget for that, he wondered how that would change the chart in the future. Ms. Stamper explained that if you look at the chart in the 2020-2021 year, it showed a surplus of \$200,165. That would be what we were talking about at the time we were looking at the staffing alternatives. Any of the surpluses or deficits would be relative to no staffing changes. Any changes would reduce that. The \$200,000 would become \$10,000 and that would carry through into the other years for future expenditures.

Mr. Brown added that if we have that surplus in 2020-2021 of \$200,000 and we were to incur an additional cost of \$200,000, we would be at a no surplus in that year like it shows. The additional years with \$567,000, if you are spending an additional \$200,000, you would be in negative territory in the second year under the 3.0 mill scenario. You would have a greater deficit in 2023-2024 and 2024-2025 by the amount of the increased expenses. Regardless of whether there would have been money available to cover that cost, that cost was not reflected in the numbers presented. If you incur additional expenses along that line or a different line, your positive is going to get decreased and your negatives are going to be increased.

Councilmember Behrmann confirmed that if we keep the language as is, we are going to be seeing a request to use more than 3.0 mills in the future. Mr. Brown said that we could be or we could not. It depended on how accurate our revenue projections and everything else worked out to be. Based strictly on the numbers in the report, in the third year under a 3.0 millage capture of an additional operating millage, you would be looking at a negative number. You could choose to incur that from your fund balance or you could choose to up the millage rate if you wanted to

cover that to 3.5 or 3.25 or anything else. There would be different options that would be available to Council. These numbers were provided as a guess estimate as to what things would look like in the period of time covered.

Councilmember Behrmann asked what Ms. Stamper believed we would need moving forward. Ms. Stamper said her comfort level was still at the 3.5 mills because of the unknown of staffing arrangements and what that might cost. We still don't have a handle on where our taxable value will be with the COVID issues we have going on. We don't know if that is going to affect our taxable values next year or the year after. There are a few unknowns that make it a tough call. With the up to 3.5 mills, we have shown that if we don't need to do it, we haven't done it. However, it provides that flexibility to not have to be looking at cuts in a few years if that was what we had to do, or having to go back out to ask for additional millage to cover the costs that we would need to provide the services. There was a comfort level that she has sticking with the 3.5 mills because of some of the unknowns. Also, recognizing in fiscal year 2023-2024, several hundred thousand dollars that we are collecting back from the DDA for the repayment falls off. That is revenue that we currently see coming in for a payback, but that payback is going to end. Once they pay that debt off in a couple years, that is a revenue stream that will no longer exist.

Councilmember Sharpe asked why not make it 4.5 or 5 mills. We are projecting and the reason we are saying 3.5 was because it was something that has already been approved and it is easy. He didn't understand easy. Let's do what we need and if we need more, we ask for more. Trying to get a half a mill over the next four years with all this uncertainty we are talking about, we may have to ask for more anyway, even if we are at 3.5. In fact, year four and five, we are already projecting we are going to have to get more from someplace. He said he liked Councilmember Gottschall's comment about signaling to the taxpayers that we were asking for what we need. That will be easier in the future if we have to ask for more.

Councilmember Gottschall said in circling back to the Fire Department budget, he knew that we talked about it and he didn't understand why we were having this conversation ahead of that conversation. The State Shared Revenue is a question mark, but we can't answer that one. That is not up to us. We can answer the Fire Department question because that is up to us. He wondered what the last date was that we could vote on something and have it appear on the November ballot. He thought it was in August or September. Mr. Brown said that the reason it was later in the game than he would like was a misunderstanding on his part on what was involved with the deadline. The deadline is August 11th for it to be to the County. He thought that was it. In fact, there are requirements before it goes to the County. We are at the end of the run for having it on the November ballot unless we schedule a special meeting for Council, which also might cut some time for the State review. He said that he has done some additional work in advance with some State folks to have them look at different language. He was comfortable that if the Council acted tonight, we would be able to get it in before that August 11th deadline. He thought during the budget sessions that the Council wanted him to proceed with the November ballot because of the highest participation during the Presidential election.

Councilmember Gottschall said it seemed like this was mismanaged by Council that we couldn't reach some sort of decision on the Fire Department and now we are discussing this with self-inflicted question mark over where we stand and what we are going to need in the future. That was something he would have liked to have seen come back to Council for a final decision before we got to this point.

Mr. Brown thought the statement that we don't know whether we need 3 mills or 3.5 mills was an accurate one. Short of having a crystal ball and getting every projection exactly right, we don't know what we are going to need. That was the reason for the language being put before Council of up to 3.5 mills. He wasn't sure how the City arrived at that number years ago but he guessed it was something that would put us in line with the Charter maximum. Whatever number we come up with, we would want to include the impact of the Headlee number that we are at currently. If we go to a Charter maximum increase, that is more permanent than anything we are talking about doing for a four-year period.

Councilmember Gottschall said let's say this gets passed at 3 mills, for the sake of discussion, for four years and then we are projecting we are going to have over \$550,000 surplus next fiscal year. We are looking at a surplus this year, even adding in the estimates that we have. The part-time for the Fire Department was going to put us right around \$200,000. The part-time shift workers were around \$150,000 to \$160,000 and then we add mid to upper \$20,000 per training per new hire as needed. He asked if we could dissolve or do away with it in year three if we were to come to some consensus on a Charter amendment at that point that would solve the problem all at once. Mr. Brown replied that the Charter amendment language could be crafted in such a way that it would cover that eventually to formalize that, or the alternative would be to just not collect the additional 3.0. We would look into what kind of language we could do to vacate the existing millage or it would just be a commitment not to collect that additional millage. He would discuss that with legal counsel. Ms. Stamper added that we have never had anything in the Charter override an existing millage since she has been with the City.

Councilmember Gottschall said that we know at least for the first or second year we are in the clear at 3 mills. We are signaling again that we are asking for what we know we need. Then we can talk about Charter amendments over the next year or year and a half. He thought that might be the compromise in all of this. He said he was still in favor of 3 mills and then maybe we get to the point where we can actually fix the problem in totality in the not too distant future.

Deputy Mayor Rzeknik said that when we went after the Charter amendment to change the cap back in 2012 that summer we had a lot of debate. The number used was 4.98 and that was to accommodate what we needed at the time plus some of the Headlee rollback. When we talk about voting in what we need right now, we are tying our hands. A Charter cap is the maximum. The City Council has the leeway to decide how much additional tax gets levied up to that Charter cap. By not having that, this was our only option. Why tie our hands for a two-year period. Leave it at up to 3.5 mills, and if we only need 3 mills or 2.5 mills, we show fiscal responsibility by only using that much of it. He thought it was ridiculous for us to tie our hands for a short period of a year or two, especially with all the debate we have to do

regarding the Fire Department. Last he saw, we are a growing City. There are four new residential developments going on right now. That means more services will be needed. Again, let's not tie our hands.

Roll Call Vote: (3) AYES – Behrmann, Gottschall, Sharpe
(4) NAYS – Beagle, Gronlund-Fox, Rzeznik, Smiley
Motion Failed

Vote on original motion:

Roll Call Vote: (6) AYES – Beagle, Behrmann, Gronlund-Fox, Rzeznik, Sharpe, Smiley
(1) NAYS - Gottschall
Motion Carried

2.) Recommendation to Waive the Bid Process and Authorize the Purchase of a 12-Month Subscription for Proprietary Web-Based Policy, Training and Accreditation Management Software for \$6,241.70 from Power DMS, Inc., of Orlando, Florida

CM-07-100-20: Motion and seconded made by Councilmembers Gronlund-Fox and Smiley to waive the bid process and authorize the purchase of a 12-month subscription for proprietary web-based policy, training and accreditation management software for \$6,241.70 from Power DMS, Inc. of Orlando, Florida

Director Moore was excited to tell the Council about the accreditation process that was taking place in the Police Department. Currently, there are two ways for a police agency to get accredited. One was a national program called CALEA. A lot of agencies choose to go that route, but it does require the agency to satisfy over 400 different standards. For an agency our size, it would be a burdensome feat. It would require allocating full-time personnel to accomplish that. The Michigan Association of Chiefs of Police has come up with an independent accreditation process that they borrowed from the New Jersey Association of Chiefs of Police that has just over 100 standards. There are several reasons why he was personally striving to see the Wixom Police Department get accredited. It forces you to get your house in order and keep it in order. It reduces liability. It provides for safe officers and safe community members. Most recently, the President created an executive order where he tied accreditation to federal grant funding. Also, with the current movement of police reform, he believed accreditation would enhance our fair and impartial policing and make us a better agency.

He was asking for a waiver of the bid process because the PowerDMS software was currently the only software he was aware of that actually had all 112 standards built right into their software. If this purchase was authorized, he would like to see the Department purchase three modules of PowerDMS; the first one being the basic policy module whereby the Police Command staff would rely heavily on the experts in the field, the use of force experts, the property room and evidence collection experts. Through this module we would be able to update our policies and pass them around electronically for input. All of the changes are tracked and you end up

with a finished product that gets pushed out electronically. Gone are the days of the 6-inch thick three-ring binder. The other benefit to that was with the PowerDMS training module. The Police Command staff can put their heads together and create a ten-question training testing instrument whereby each individual officer is required to take this test that will track their comprehension of the new policy. Their test results are recorded in the training module. We would be able to demonstrate that the officers are knowledgeable in the policies. The third module is the accreditation. That will allow the accreditation sergeant to have access to the module. When it comes time for the MACP independent auditors to award the accreditation, we would just provide them with our user name and password to check our policies to see if we have met the standards. This type of service was custom-made for federal forfeiture. He would utilize half from the Federal Forfeiture line and half from the Training line. He said he was recently informed that MMRMA was going to be providing a Risk Avoidance Program grant that would pay up to half of PowerDMS startup costs.

Councilmember Gronlund-Fox commended Director Moore for moving toward the accreditation process. She knew it was a lot of work. She has been through it a little on the Human Resources side. It showed his leadership and she thought it was great for the Public Safety Department and the City. She said she uses the PowerDMS daily and it is a great program. She asked if this would also be used at the Fire Department for their training and directives. Director Moore said we could add on to it. Currently, the price and the proposal before Council encompasses every sworn and non-sworn person in the Police Department. For a little extra, they would license the members of the Fire Department as well. He thought it would be seamless to add on additional licenses. Councilmember Gronlund-Fox said she would like to see this rolled out to the Fire Department because she knows there are a lot of directives, policies and procedures that go along with the fire services.

Councilmember Sharpe asked about the grant portion. It would cover half, up to \$10,000, for start-up costs and he wondered if we would be eligible for that. Director Moore replied that the MMRMA hasn't rolled out the grant yet. We got this verbally and then through an email that this is a grant program they are looking at rolling out in the future. Typically, with any MMRMA grant, you pay the money up front and then you seek the reimbursement. It can be retroactive.

Deputy Mayor Rzeknik thanked Director Moore for the use of federal forfeiture funds. If we do the add-ons with the Fire Department, he hoped we could also make use of those federal forfeiture funds. Director Moore said he would have to do a little research on that. He was not sure it could be used for firefighters. Deputy Mayor Rzeknik asked if this would reduce our insurance rate once we are accredited. Ms. Stamper said she was not sure, but we could ask the insurance company.

Mayor Beagle thanked Director Moore for going after this. We have a great Police Department and if we can make them even better, he was all for it. He would also like to see us include the Fire Department.

**Roll Call Vote: (7) AYES – Beagle, Behrmann, Gottschall, Gronlund-Fox,
Rzeznik, Sharpe, Smiley**

(0) NAYS

Motion Carried

3.) Contract Status with HRC

Councilmember Gottschall thanked Mr. Brown for sharing this with the Council. He knew the Council was asking for this for a while and questioning some of the bidding items. It looked like the simple retainer was for attending meetings and some very basic questions. Everything else was as assigned for an hourly rate. Nowhere does it guarantee any number of contracts. It doesn't say we are going to give them every engineering contract that comes up during the duration of this. It was just a retainer for very minimal work and number of hours and attending meetings. He didn't see anything that prevented us from bidding out to get some work done or to see what other costs come in. It was nice we have this, but there was nothing that prevented us from contracting other engineering firms to get bids on other projects. It even says that HRC might help to prepare the bids as a part of this agreement. He wanted to move this from Correspondence for discussion to see if he was the only one to read it that way. He knew a few of the Council have questioned giving out contracts without bids. He would like to see a few projects get bid out just to see. A pattern might arise where HRC is consistently the cheapest or the most well-equipped for the project, but we don't have an answer to that question until we check who else is out there and what they are offering.

Councilmember Behrmann said he echoed Councilmember Gottschall's comments. Reading through the agreement from 2017, nowhere did it indicate that we were exclusively bound to use HRC. This has been brought up repeatedly over the last couple of months and we were told that we are bound. Even at the last meeting, the Council was told that the contract was just found. He knew we were giving them a lot of money and his gut told him that they are a good company and we are getting a good return for what we are paying them. He said he would like to see what we are spending on them each year. He found that we used a different company for engineering work on a parking lot. Mayor Beagle commented that that work was donated. Councilmember Behrmann said we at least need to make sure we are getting a good return on our investment, especially when we are talking about over \$100,000 projects. It would be nice to know we are doing our due diligence. He didn't see that we were bound to use them exclusively.

Councilmember Gronlund-Fox read the same thing. She wanted to make sure everyone was reading this correctly and that we don't have a contract that we have to use HRC for all of our engineering. Mr. Brown said that was his take as well. The additional work noted on page 2 of the contract talks about design engineering services as assigned on an hourly basis, right-of-way easements as assigned on an hourly basis, construction engineering contract administration as assigned on an hourly basis, all consistent with the attached rate schedule. It has been the practice to keep the consistency with HRC. He thought the leeway under the contract was there for us to start bidding out work separately. Councilmember Gronlund-Fox wanted to make sure there wasn't something that we were missing. She said she would support bidding out some projects. She understood it was more work for

staff and maybe we start with smaller projects. We want to make sure that we are getting the most bang for our buck.

Mr. Brown said he heard that distinct direction from several members of Council so that was something we will pursue.

Councilmember Sharpe indicated that when he read the contract, it felt like a retainer. We are hiring a consultant or lawyer to do our engineering guidance and advise Council. He wondered how he could ask HRC whether we are getting a fair deal on \$100,000 engineering bill when it is HRC who is bidding on it. It felt like a bit of a conflict of interest there. We have a contract with them to advise them and we are outbidding only them for their services. It didn't sit well with him and he echoed the comments that we need to go out for bids.

Mayor Beagle stated he was surprised to find out it wasn't an exclusive contract. His direction would be to advise Mr. Brown to have our legal department look over this contract to make sure that was exactly what it was and that we don't have to use them exclusively before we do anything.

Councilmember Gottschall thought we should ask Nancy Faught from HRC now if that was her understanding of the agreement. If we are all of the same mind here, we could save some money on the lawyers.

Nancy Faught said that if that was what the Council read, she was okay with that. She said we have enjoyed a great relationship with the City and they have worked with the staff for years. She thought they brought a lot of value to the City and sometimes we don't see it in the dollars. If the Council wanted to go out for bids, it was their right and she wasn't going to stop them.

Mr. Sikma commented that at the next Council meeting, he was going to present a project at the next Council for the PFAS bio-solids removal at the Wastewater Treatment Plant. We plan years in advance for some of this and losing the engineer that we have been working with for 20 years was a tough road to hoe. Mayor Beagle asked if we had something after that that would not be as vital where we could push it off a little bit to go out for bid. Mr. Sikma replied yes. Mayor Beagle thought the PFAS was important to take care of and he didn't want to see us delay that. Mr. Brown added that we would look for the right opportunity to bid something out that would make sense as an interim step.

CALL TO THE PUBLIC:

Seth Merle, 3127 Branch Drive, commented that he has been a Wixom resident for five years. He thought the Wixom Police Department becoming an accredited agency was a very good idea. He wished he wouldn't have to bring it up in this manner but the issues at hand are too large to be discreet. Generally speaking, he supported the Police and understood the great stress and difficulties they endure daily. However, honesty and candor are paramount of police works. The Wixom Police Department has issues that need to be addressed. First, do you know that they do not have a complaint board. Becoming an accredited agency will likely require that, including a numbered tracking system for complaints. Part of that was what this related to and he believed many complaints were being shoved under the

rug along with reports. Secondly and more importantly, reference case #20-4268. In early April of this year, my property was the victim of a hit and run from a vehicle or malicious destruction of property, depending on how you choose to view. The property was valued at over \$600. The suspect was a Wixom Zoning Board Member. The whole incident was recorded on high definition video and Mr. Merle privately contacted this individual multiple times asking him if he wanted to settle the matter privately without involving the Police. From his iPhone, he read his messages but chose to ignore them. Mr. Merle then made a report and the Wixom Police investigated it. The initial officer said it all made sense. Then Sergeant Caldwell looked into it. He determined that it could not be malicious destruction of property because this individual said it was an accident; therefore, it was a hit and run. He ran over a \$600 headlight that was off the road and on his property. Sergeant Caldwell encouraged him to take this individual to small claims court. Mr. Merle disagreed and believed the Wixom Police do not believe it was a malicious destruction of property so it must be a hit and run. He should have been issued a traffic citation for hit and run accordingly and he would be provided his car insurance information so he could get reimbursed the \$600. Since the individual has continued ignoring his correspondence, it was clear he intended to get away with it. Therefore, he again contacted the Wixom Police and spoke with and emailed Lieutenant Bradley. At the very least, he asked for the individual's car insurance information. Just today, Lieutenant Bradley actually responded and said, "I am attempting to get additional information for the report (insurance company and policy number). I will let you know the outcome of that attempt." This wording sounded very unsure and that Lieutenant Bradley would come back later and say something like he tried but he couldn't get the information. It was mindboggling to Mr. Merle that it has taken this much effort to get any positive progress.

Changing gears, Mr. Merle referenced case #16-2388 and #16-1311. This was a case about a trespasser who was using his property to gain access to fishing on Loon Lake. He initially called the Wixom Police in February 2016 when this individual appeared to be trespassing on the neighborhood private lake access directly next to his home. The private lake access is posted for residents only and no trespassing. He learned from this incident that this person did not live in the neighborhood but had permission as a guest of another homeowner, so that was his mistake. This individual began parking in front of his home and using his parcel to access the water. He documented his footsteps in the snow from the first time. After looking up the Michigan Trespassing law, he learned that if the trespasser had not been told personally to stop trespassing, no legal action could be taken; therefore, he had to wait to see him again to tell him he couldn't be there and he was trespassing. He did respond to his name and there was no question that he knew he was never to return to his property and he was trespassing. Some days later, the individual returned to his home and his home surveillance system recorded him parking in front and within minutes he was standing directly in the center of Mr. Merle's backyard fishing from his grass into the water. He knew whose property he was on but he thought he was being swift. Mr. Merle compiled the videos, photos and timeline and provided them to the Wixom Police. A week later, Detective Stowinsky called him to say, "You've got it. Your videos were excellent. You did everything right. However, this guy seems nice and I've never had contact with him before. He was apologetic and said he would never come back. Would you be willing to not prosecute?" Mr. Merle agreed not to prosecute because all he really

wanted was peace and privacy. In October 2018, out of curiosity, he Freedom of Information Act requested himself as any reports containing him with the Wixom Police. He said he couldn't be more surprised when he read Detective Stowinsky's narrative where he wrote that his videos did not show this individual on his property and that the individual stated he had never been on his property and that the case was closed. There was no mention of the phone call or asking him not to prosecute. He still had the videos and would gladly show them to Council. There was no question as to who this person was or where he was standing. Why Detective Stowinsky would provide details that would conflict with hard evidence and reality was beyond him. He could only assume a culture issue within the Wixom Police and the desire to keep crime numbers artificially low. Mr. Merle said he would be back at the next meeting with more stories although he wished he didn't have to. He thanked the Council for their time.

CITY MANAGER COMMENTS:

Mr. Brown stated that we are looking at the election process a little more closely. His item discussing the disinfection process that we will do the next day and the fact that we were going to have people working remotely because of potential issues with the unhealthiness in the workplace could extend to the day of the election. He had to have some conversations internally with the Clerk's Office. This came to light late in the afternoon today and he would let the Council know.

COUNCIL COMMENTS:

Councilmember Gottschall had no comments.

Councilmember Smiley offered his condolences to the family of former City Clerk June Buck who passed away recently. She retired from the City in 1999. He said that he mentioned during the discussion of the millage renewal that we lowered the mills to 3.0 the last two years. He feared he was being too generous to himself. He gave most of the credit to the City staff for pulling that off, namely Mr. Brown and Ms. Stamper. Finally, the Primary Election is a week from today and he encouraged all to get out and vote. Good luck and God bless the Clerk, the Deputy Clerk and all the volunteers that they have a very smooth day.

Councilmember Behrmann said that if you haven't had the opportunity to visit the Drafting Table Brewery, he encouraged you to do so. The way that they set their facility up with the outside seating was a direct result of the motion the Council passed a couple week's ago giving them the ability to do that. It was really nice that they have been able to increase their seating to almost their number pre-COVID by having all those outdoor seatings. He hoped more of our restaurants in the community could do something similar to that. Last week he had an interaction with our Building Inspectors through SAFEbuilt. Both of the inspectors were extremely professional and it was nice to see we have a relationship with a company that operates in a professional and timely manner as they did for his inspection. Lastly, get out and vote. This was a long meeting, but he felt we had some good discussions tonight.

Councilmember Sharpe asked the City Clerk if he still had time to get an absentee ballot. City Clerk replied yes, ballots were still available right up until Monday at 4:00 p.m.

Councilmember Gronlund-Fox thanked Mr. Brown and Ms. Stamper for all the work they did on their submission to get reimbursed through FEMA as well as the CARES Act. She knew it was a lot of work. She hoped the City would see some of those monies come back to us. She expressed her condolences for June Buck's family and congratulated those employees celebrating work anniversaries. She thanked them for their service and hard work.

Mr. Brown added that Councilmember Gronlund-Fox was very helpful in assisting us to make sure we were aware of deadlines. We appreciate her assistance on that and she was a big part of the thought process as we went into the various applications that were completed through the Finance Department. There was over \$500,000 of reimbursement that could potentially be coming to the City.

Deputy Mayor Rzeznik suggested that we include something in the Friday's Wixom Blast for preparation for in-person voting, like bring your own pen and reminders about distancing. Mr. Brown indicated we would do that. Deputy Mayor Rzeznik said that in addition to the demolition of the house, we now have the Safety Path on the south side of the Trail. There is a sign there now and he saw a lot of folks that are reading the sign and heading south to the light at Pontiac Trail. From a safety standpoint, that is great. Also, the DIA Inside Out 2020 Program has paintings along the Trail that are worth checking out. He said he has talked to a lot of our area restaurants and small businesses. He pleaded with all residents that they abide by the Governor's orders regarding masks inside public places. They didn't make up the rules; they just need to enforce them. He understood from a lot of business owners they are still getting flak from people. Please respect the proprietor and their business.

Mayor Beagle expressed his condolences to the family of June Buck on her passing. He congratulated the six work anniversaries that we have that range from one year to 23 years. He thanked them for their services to the City. He told Councilmember Sharpe that when he picks up his absentee ballot, he can walk across the driveway and put it in our new absentee ballot box across from the Police Department. He thought that was a great idea of the Clerk's Office. He was sure that with the absentee voters we would have this year, it will be put to good use. Last but not least, it was brought up that it was time for City Manager Brown's evaluation. He told the Council to look for an email from him tomorrow afternoon with the forms and instructions. He asked for available dates for a special meeting to be held in person.

ADJOURNMENT:

The meeting was adjourned at 8:52 p.m.

Catherine Buck
City Clerk

Approved 8-11-2020
